

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KEITH THOMAS,

Plaintiff,

v.

Case No. 1:22-cv-00272-WMR

SELECT PORTFOLIO SERVICING,  
INC. and DLJ MORTGAGE CAPITAL,  
INC.,

Defendants.

**MOTION TO DISMISS**

COME NOW, Select Portfolio Servicing, Inc. (“SPS”) and DLJ Mortgage Capital, Inc. (“DLJ”) (sometimes collectively referred to as “Defendants”), and move this Court for an Order dismissing the Complaint [[Doc. 1](#)] for failure to state a claim upon which relief can be granted. In support of this Motion, the Defendants are contemporaneously filing their Memorandum of Law in Support of their Motion to Dismiss.

WHEREFORE, Defendants respectfully pray for relief as follows:

- 1) That this Court grant their Motion to Dismiss upon a finding that the Complaint fails to state a claim upon which relief can be granted; and

2) For such other relief that this Court deems just and proper.

Respectfully submitted, this 2<sup>nd</sup> day of February, 2022.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar No. 720572)

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*Attorney for Select Portfolio Servicing, Inc.  
and DLJ Mortgage Capital, Inc.*

**FONT CERTIFICATION**

The undersigned counsel hereby certifies that the within and foregoing was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

Respectfully submitted, this 2<sup>nd</sup> day of February, 2022.

/s/ Bret J. Chaness  
BRET J. CHANESS (GA Bar No. 720572)

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 2<sup>nd</sup> day of February, 2022, served all parties in this matter with the within and foregoing placing a true and correct copy of same in the United States Mail, with first-class prepaid postage affixed thereto, properly addressed as follows:

Keith Thomas  
P.O. Box 960242  
Riverdale, GA 30296

/s/ Bret J. Chaness  
BRET J. CHANESS (GA Bar No. 720572)